IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 22620 of 2004**

Between:

1 Bade Venkatswamy S/o Late Shankaraiah
R/o Kanojiguda, H/o Alwal Village, Malkajgiri Mandal, Ranga Reddy District
2 Bade Narsimha Rao S/o Late Shankaraiah
R/o Kanojiguda, H/o Alwal Village, Malkajgiri Mandal, Ranga Reddy District
3 Bade Sudershan S/o Late Shankaraiah
R/o Kanojiguda, H/o Alwal Village, Malkajgiri Mandal, Ranga Reddy District

**..... PETITIONERS**

AND

1 The Commissioner of Police, Cyberabad Ranga Reddy District
2 The Station House Officer, Malkajgiri PS, Malkajgiri, Ranga Reddy District
3 The Mandal Revenue Officer, Malkajgiri' Ranga Reddy District

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of Writ of mandamus declaring the action of the second and third respondents in sending their sub-staff to the petitioners' land over an extent of 35 guntas in Sy. No. 375 situated at kanojiguda, H/o Alwal Village, Malkajgiri Mandal, Ranga Reddy District obstructing the petitioners from peaceful possession and enjoyment without any lawful authority as totally illegal, without jurisdiction and violative of articles 14, 19 (1)(g) and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's lands over an extent of 35 guntas in Sy. No. 375 except through due process of law and be pleased to pass such other and further order or orders as may be deemed fit.

**Counsel for the Petitioner:MR.S.LAKSHMA REDDY**
**Counsel for the Respondents No.1 to 3: GP FOR HOME**

**The Court at the stage of admission made the following ORDER:**

Petitioners state that they are the owners and possessors of Ac.0.35 guntas of land in survey No.375 of Kanojiguda village H/o Alwal village, Malkajgiri mandal, Rangareddy district. They complain that the respondents are interfering with their possession over the land at the instance of some private individuals. It is alleged that the land is within the limits of Alwal police station, whereas the police officials of Malkajgiri police station are interfering, that too, without initiating any proceedings.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The learned Government Pleader for Home, on instructions, submits that the area in question is within the limits of Alwal police station and that the second respondent has nothing to do with the same. In that view of the matter, the second respondent does not have any jurisdiction to interfere with the rights of the petitioner. Even otherwise, the police or revenue authorities can proceed against any citizen only by following the procedure prescribed by law and registering cases or issuing notices, as the case may be. Indiscriminate interference with the rights of the citizens is opposed to the very concept of rule of law.

The writ petition is disposed of directing that the respondents shall not interfere with the rights of the petitioners, except by initiating proceedings in accordance with law. There shall be no order as to costs.

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15.12.2004

ksld

To

1 The Commissioner of Police, Cyberabad Ranga Reddy District
2 The Station House Officer, Malkajgiri PS, Malkajgiri, Ranga Reddy District
3 The Mandal Revenue Officer, Malkajgiri' Ranga Reddy District

4 Two CCs. to the G.P. for Home, High Court of A.P.,

Hyderabad(OUT)

5 Two CD copies.